

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**HEATHER WYATT, as Administratrix of  
The Estate of Aubreigh Wyatt and HEATHER  
WYATT, INDIVIDUALLY AND AS PARENT/  
GUARDIAN OF AUBREIGH WYATT**

**PLAINTIFF**

**VERSUS**

**CAUSE NO. 1:25-cv-00098-TBM-RPM**

**OCEAN SPRINGS SCHOOL DISTRICT, OCEAN  
SPRINGS BOARD OF TRUSTEES, OCEAN  
SPRINGS SCHOOL DISTRICT SUPERINTENDENT;  
OCEAN SPRINGS UPPER ELEMENTARY; TEACHERS  
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,  
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL  
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z,  
And OCEAN SPRINGS MIDDLE SCHOOL: TEACHERS  
A-Z, LUNCH AIDES A-Z, SCHOOL NURSES A-Z,  
LIBRARIANS A-Z, JOHN DOES 1-20; SCHOOL  
COUNSELORS A-Z, SCHOOL ADMINISTRATORS A-Z**

**DEFENDANTS**

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**BRIEF OF THE McCLATCHY COMPANY, LLC IN SUPPORT OF ITS MOTION  
FOR LEAVE TO INTERVENE TO OBJECT TO DEFENDANTS' MOTION TO SEAL  
AMENDED COMPLAINT [DOC. 2] AND MOTION FOR AN ORDER OF  
SUPPRESSION ("GAG ORDER") [DOC. 8]**

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On April 1, 2025 Defendants Ocean Springs School District, Ocean Springs Board of Trustees, and Ocean Springs School District Superintendent filed their Motion to Seal Amended Complaint [Doc. 2] and Motion for an Order of Suppression ("Gag Order") [Doc. 8]. As a member of the press, Movant has a qualified right to under the First Amendment to the United States Constitution to object to the motions on behalf of the public and press.

Movant is the owner of the Sun Herald newspaper published in Biloxi, Mississippi.

There is a presumption of openness to the courtroom and court file secured by the First Amendment to the United States Constitution. This right of openness is “qualified rather than absolute”. *United States v. Nix*, 976 F. Supp. 417, 419-20 (S.D. Miss. 1997).

The public and press have a common law right of access to the court file in this case. *Massey v. Gulfside Casino Partnership*, 2021 WL 6754766 \*1 (S.D. Miss.) citing *Binh Hoa Lee v. Exeter Fin. Corp.*, 99 F.3d 410, 417 (5th Cir. 2021).

Pursuant to the First Amendment to the United States Constitution and Local Uniform Civil Rule of the United States District Courts for the Northern District and Southern District of Mississippi 79, “the press and public’s common law right of access to the court file in this case must be balanced line by line by the court to protect the public’s right of access”. *Massey*, \*1. The Court balances the public's right of access to the court file against the asserted private interest of the litigants. *Gilliam v. Kinder Morgan, Inc.*, 2023 WL 2344698 (S.D. Miss.).

The McClatchy Company, LLC therefore requests the Court to enter an order allowing it to intervene to oppose Defendants’ Motion to Seal Amended Complaint [Doc. 2] and Motion for an Order of Suppression (“Gag Order”) [Doc. 8] with a supporting brief which will explain in detail why the Court should deny Defendants’ motions to seal the court file and to suppress.

Respectfully submitted, this the 25th day of April, 2025.

The McClatchy Company, LLC

By: s/ Henry Laird  
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**CERTIFICATE OF SERVICE**

I, Henry Laird, hereby certify that the foregoing document has been filed with the Clerk of Court using this Court's ECF system which sent notification to call counsel of record.

SO CERTIFIED, this the 25th day of April, 2025.

By: S/ Henry Laird  
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